

REMARKS

Applicants thank the Examiner for consideration given the present application and for allowing Claims 3-5. Claims 1 and 3-5 are presently pending. Claim 1 has been amended. Claims 1, 3 and 5 are independent. Applicants respectfully request reconsideration of the rejected claim in light of the amendment and remarks presented herein, and earnestly seek timely allowance of all pending claims.

Claim Rejection Under 35 U.S.C. § 102(b) – Beale

Claim 1 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Beale (“Beale”, U.S. 4,945,726). Applicant submits that the Examiner has failed to establish *prima facie* anticipation and respectfully traverses the rejection. In order to establish *prima facie* anticipation under 35 U.S.C. § 102, the cited reference must teach or inherently include each and every element of the claims. See *M.P.E.P. § 2131; M.P.E.P. § 706.02*.

Beale teaches that the striking bar 64 pulls the rod 60 downward and opens the spool valve 34 to which the rod 60 is attached and permits gas flow (*See Column 6, Lines 1-16*) by the movement of the piston 20. Therefore, member 217 of Figure 8 in Beale is not a member that minimizes gas flow but instead vents the gas spring 210 (*See Column 7, Lines 1-9*). However, Claim 1 of the instant invention claims, *inter alia*, a “member that permanently prevents flow of the working gas between the back pressure space and the hollow space during an operation of the engine.” This aspect of the invention is not taught or suggested by Beale.

Furthermore, Beale teaches the piston 202 makes contact with cross bar 217 and a spool valve 212, and moves against the bias spring 218 (*See Column 7, Lines 1-6*). This suggests that the member 217 may move off from a piston axial rod 222. In that case, fluid in the interior space of the piston axial rod 222 flows into a space in the lower portion of the cylinder (which corresponds to the back-pressure space in the present application). This is another clear distinction from the instant invention, where the pressure container of Claim 1 comprises, “a work space located on the displacer piston side of the power piston; and a back-pressure space located on a side of the power piston opposite to the work space.” Although, according to Beale, elements 212, 214, and 216 are preventing the overstroke of gas spring 310, the destination of

this overstroke is not a space that corresponds to the back-pressure space of the instant invention. Accordingly, Beale fails to disclose all of the aspects of the instant invention.

Accordingly, Applicant respectfully submits that Claim 1 is now in condition for allowance and asks Examiner to withdraw the rejection of this claim.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Charles Gorenstein, Reg. No. 29,271 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

By 

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